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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/839,074	REAMS, DAVID ANTHONY	
	<b>Examiner</b> Jamieson W. Fish	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 61-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

### ***Response to Amendment***

The amendment filed 07/05/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Page 3 of the amendment lines 7 and 10 recite non-commercial program material.

Applicant is required to cancel the new matter in the reply to this Office Action.

The substitute specifications have not been entered because they do not conform to 37 CFR 1.125(b) and (c) because: a marked-up version of the *complete*

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*original* specification is required, so that the examiner can determine the differences between the complete original specification and the current specification after the numerous amendments.

### ***Response to Arguments***

Applicant's arguments with respect to claims 61-80 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **61-62, 64, 66, 68, 70-75, 77, 80** are rejected under 35 U.S.C. 102(e) as being anticipated by Estipona (US 6,795,973).

Regarding claim **61**, Estipona teaches a system for generating an hyperlink address string associated with predetermined program material related to predetermined content located at a predetermined hyperlink address and hyperlinking to said predetermined hyperlink address during the playing of said predetermined program material wherein said hyperlinking is user activated or automatic comprising: generating means for generating said hyperlink address string associated with said predetermined program material including (See Col. 1 lines 16-28, Col. 3 lines 5-24

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Head-end is generating means): a first attribute specifying said predetermined hyperlink address and a second attribute specifying said user-activated or automatic hyperlinking to said predetermined hyperlink address including: an user-activating attribute specifying user-activating an hyperlink to said predetermined hyperlink address or an automatic activating attribute specifying automatically activating an hyperlink to said predetermined hyperlink address (See Col. 3 lines 8-24 Attribute pairs include attribute to execute trigger "either automatically or with user confirmation"); encoding means operably coupled to said generating means for encoding said hyperlink address string for transmission via program signal transmitting means (See Fig. 1, Fig. 2, Trigger Inserter 26 and Col. 3 lines 54-67, Col. 4 lines 1-54); said program signal transmitting means operably coupled to said encoding means for transmitting said hyperlink address string (See Fig. 1 and Fig. 3 Stream simulator unit 28 and Col. 5 lines 17-51); program signal receiving means operably coupled to said program signal transmitting means for receiving said hyperlink address string (See Fig. 3 Receiver Unit 34 and Col. 5 lines 40-63); data processing means operably coupled to said program signal receiving means for processing said hyperlink address string according to said second attribute for user-activating said hyperlink to said predetermined hyperlink address responsive to said user-activating attribute and automatically activating said hyperlink to said predetermined hyperlink address responsive to said automatic activating attribute (See Col. 3 lines 9-13, Col. 5 lines 40-67, Col. 6 lines 1-20) and hyperlink means operably coupled to said data processing means for hyperlinking to said predetermined hyperlink

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address during the playing of said predetermined program material (See Col. 5 lines 64-67, Col. 6 lines 1-65).

Regarding claim **62**, Estipona teaches a method of generating an hyperlink address string associated with predetermined program material related to predetermined content located at a predetermined hyperlink address for hyperlinking to said predetermined hyperlink address during the playing of said predetermined program material wherein said hyperlinking is user-activated or automatic including the step of: generating via generating means said hyperlink address string associated with said predetermined program material including (See Col. 1 lines 16-28, Col. 3 lines 5-24): a first attribute specifying said predetermined hyperlink address and a second attribute specifying said user-activated or automatic hyperlinking to said predetermined hyperlinking address including: an user-activating attribute specifying user-activating an hyperlink to said hyperlink address or an automatic activating attribute specifying automatically activating an hyperlink to said predetermined hyperlink address (See Col. 3 lines 8-24 Attribute pairs include attribute to execute trigger "either automatically or with user confirmation").

Regarding claim **64**, Estipona teaches wherein said hyperlink address string comprises an URL string and said predetermined hyperlink address comprises an URL (See Col. 3 lines 8-24).

Regarding claim **66**, Estipona teaches wherein automatic activating attribute comprises an hyperlink automatic load attribute (See Col. 3 lines 8-24 Attribute pairs include attribute to execute trigger "either automatically or with user confirmation").

Regarding claim **68**, Estipona teaches the method further including the step of: encoding said hyperlink address string for transmission with program signals representative of said predetermined program material (See Fig. 1, Fig. 2, Trigger Inserter 26 and Col. 3 lines 54-67, Col. 4 lines 1-54).

Regarding claim **70**, Estipona teaches a program signal receiver apparatus for playing program material including predetermined program material related to predetermined content located at a predetermined hyperlink address and, during the playing of said predetermined program material, hyperlinking to said predetermined hyperlink address wherein said hyperlinking is user-activated or automatic comprising: program signal receiving means (See Fig. 3 Receiver unit 34, and Col. 5 lines 40-63) for receiving an hyperlink address string associated with said predetermined program material including: a first attribute specifying said predetermined hyperlink address and a second attribute automatic hyperlinking to said predetermined hyperlink address including: an user-activating attribute specifying user-activating an hyperlink to said predetermined hyperlink address or an automatic activating attribute specifying automatically activating an hyperlink to said predetermined hyperlink address (See Col. 3 lines 8-24 Attribute pairs include attribute to execute trigger "either automatically or with user confirmation"); data processing means operably coupled to said program signal receiving means for processing said hyperlink address string according to said second attribute for user-activating said hyperlink to said predetermined hyperlink address responsive to said user-activating attribute and automatically activating said hyperlink to said predetermined hyperlink address responsive to said automatic

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activating attribute and hyperlink means operably coupled to said data processing means for hyperlinking to said predetermined hyperlink address during the playing of said predetermined program material (See Col. 3 lines 9-13, Col. 5 lines 40-67, Col. 6 lines 1-20).

Regarding claim **71**, Estipona teaches wherein said program signal receiver apparatus comprises a television (See Fig. 3 and Col. 5 lines 40-51).

Regarding claim **72**, Estipona teaches wherein said program signal receiver apparatus comprises a radio receiver apparatus (See Col. 5 lines 52-63 A receiver that receives radio frequency signals such as enhanced television broadcast data is a radio receiver).

Regarding claim **73**, Estipona teaches wherein said program signal receiver apparatus comprises a media player apparatus (See Fig. 3 and Col. 5 lines 17-39, Figure 3 is a media player apparatus).

Regarding claim **74**, Estipona teaches wherein said program signal receiving means comprises tuner means (Col. 5 lines 40-63 Tuners are inherent to televisions).

Regarding claim **75**, Estipona teaches wherein said hyperlink address string comprises an URL string and said predetermined hyperlink address comprises an URL (See Col. 3 lines 8-24).

Regarding claim **77**, Estipona teaches wherein said automatic activating attribute comprises an hyperlink automatic load attribute (See Col. 3 lines 8-24 Attribute pairs include attribute to execute trigger "either automatically or with user confirmation").



Regarding claim **80**, Estipona teaches wherein said hyperlink means comprises web browser means (See Col. 3 lines 5-44, Col. 5 lines 64-67, Col. 6 lines 1-65).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims **63** and **65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Estipona.

Regarding claim **63**, Estipona fails to disclose the method further including the step of: entering via data entering means to database means operably coupled to said generating means: said predetermined hyperlink address and predetermined hyperlink activation data for said user-activated or automatically activating said hyperlink to said predetermined hyperlink address including: predetermined user-activation data for said user-activating said hyperlink to said predetermined hyperlink address or predetermined automatic activation data for said automatically activating said hyperlink to said predetermined hyperlink address. Official notice is taken that it is well known in the art to enter data via a data entering means to a database means. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Estipona so that hyperlink data was entered via a data entering means to a database so data could be stored for later use.

Regarding claim **65**, Estipona fails to disclose wherein said generating means comprises a website. Official Notice is taken that it is well known to use a computer to access information from a website. Thus it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify Estipona to have the generating means comprise a website.

Claims **67**, **69**, **76**, **78**, and **79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Estipona in view of Blackketter et al (US 6,415,438).

Regarding claim **67**, Estipona differs from the claimed invention in that the said automatic activating attribute does not necessarily comprise an hyperlink start time attribute. However, URL strings with hyperlink start time attributes are notoriously well known in the art as taught by Blackketter (See Fig. 4 Col. 4 lines 63-67, col. 5 lines 1-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Estipona so that the said automatic activating attribute comprises an hyperlink start time attribute as taught by Blackketter to allow the trigger to be sent in advance to conserve bandwidth (See Blackketter Col. 2 lines 39-49).

Regarding claim **69**, Estipona fails to disclose wherein said hyperlink address string further includes an attribute instructing a predetermined time to deactivate said hyperlink to said predetermined hyperlink address. However, hyperlink address strings including an attribute instructing a predetermined time to deactivate a hyperlink are notoriously well known in the art as taught by Blackketter (See Fig. 14 Col. 8 lines 31-42). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Estipona to include an attribute instructing a predetermined time to deactivate a hyperlink, as taught by Blackketter to allow the trigger to be sent in advance to conserve bandwidth (See Blackketter Col. 2 lines 39-49).

Regarding claim **76**, Estipona teaches the apparatus further comprising: memory means and visual display means both operably coupled to said data processing means and collectively configured for said user-activating said hyperlink to predetermined hyperlink address responsive to said user-activating attribute (See Col. 5 lines 52-67, Col. 6 lines 1-65). Estipona fails to disclose said memory means for storing for predetermined time said predetermined hyperlink address specified in said first attribute and said visual display means for visually displaying for predetermined time predetermined data to prompt said user-activating said hyperlink to said predetermined hyperlink address and user-activation means operably coupled to said data processing means for said user-activating said hyperlink to said predetermined hyperlink address. However, Blackketter teaches storing a time attribute specifying a predetermined time and executing a trigger comprising a hyperlink address string at the predetermined time (See Col. 2 lines 38-50). Thus, in view of the teachings of Blackketter, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Estipona to store a predetermined time, and a hyperlink address, to display the hyperlink address at a predetermined time so the triggers could be sent ahead of execution (See Blackketter Col. 2 lines 38-50).

Regarding claim **78**, Estipona differs from the claimed invention in that the said automatic activating attribute does not necessarily comprise an hyperlink start time attribute. However, URL strings with hyperlink start time attributes are notoriously well known in the art as taught by Blackketter (See Fig. 4 Col. 4 lines 63-67, col. 5 lines 1-41). Thus, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Estipona so that the said automatic activating attribute comprises an hyperlink start time attribute as taught by Blackketter to allow the trigger to be sent in advance to conserve bandwidth (See Blackketter Col. 2 lines 39-49).

Regarding claim **79**, Estipona fails to disclose a time measuring means operably coupled to said data processing means for said data processing means to determine when a time referenced by an attribute included in said hyperlink address string transpires. However, time measuring means used to determine when a time referenced by an attribute included in a hyperlink address string transpires are notoriously well known in the art (See Blackketter Col. 2 lines 39-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Estipona so that Estipona included a time measuring means as taught by Blackketter to allow the trigger to be sent in advance to conserve bandwidth (See Blackketter Col. 2 lines 39-49).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 09/02/2005

  
NGOC YEN VU  
PRIMARY EXAMINER